

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

**SAMSON TUG AND BARGE CO., INC.,**  
an Alaska Corporation

Plaintiff/Appellant

**VS.**

UNITED STATES OF AMERICA,

Defendant/Appellee.

Case Number: A03-006 CV  
Admiralty JWS

## ORDER GRANTING PLAINTIFF'S MOTION IN LIMINE

Upon consideration of the Motion In Limine of Plaintiff, Samson Tug and Barge Co., Inc., it appearing that good grounds exist therefor, it is

**ORDERED** that Plaintiff's Motion In Limine be and the same hereby is **GRANTED**;  
and further that

Defendant may not call a witness purporting to have first-hand knowledge of the facts and circumstances surrounding the decisions regarding which mode of transporting cargo during the period October 1, 1995 through September 30, 1997; and further that

Defendant may not present any theory of defense as to liability or damages that would either be supported by, or possibly refuted by, missing documents that at one time existed in Defendant's control concerning cargo shipped by air during the period October 1, 1995 through September 30, 1997.

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**SO ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 2008

UNITED STATES DISTRICT COURT JUDGE

SUBMITTED BY:

Dated: March 31, 2008

/s/ Richard D. Gluck  
Richard D. Gluck  
Harold G. Bailey, Jr.  
Garvey Schubert Barer  
1000 Potomac Street, NW, 5<sup>th</sup> Floor  
Washington, DC 20007  
Counsel for Samson Tug and Barge Co., Inc.

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2008, a copy of the foregoing Proposed Order was served electronically on:

Jeanne M. Franken, Esq.  
Trial Attorney  
Torts Branch, Civil Division  
U.S. Department of Justice

United States Attorney  
Federal Building and U.S. Courthouse  
222 West Seventh Avenue, #9, Room 253  
Anchorage, Alaska 99513-7567

/s/ Richard D. Gluck